IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Veda Nand Thakur. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 5334/2005

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Date of Order: April 12, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mrs. Laxmi Vyas, for the petitioner.
Mr. Rameshwar Dave, Deputy Govt. Advocate.

BY THE COURT:

By the instant writ petition, the petitioner has raised the grievance that he has not been allowed the benefit of selection grade in pursuance of the Notification dated 25-1-1992 issued by the respondent-State on completion of nine years' service.

I have heard learned counsel for the parties.

A reply to the writ petition has been filed by the respondents stating therein that the petitioner was facing criminal trial, however ultimately the criminal trial culminated in his acquittal but the departmental enquiry was initiated against him and ultimately the Enquiry Officer found the petitioner guilty of the delinquency.

Learned counsel for the petitioner, by way of filing rejoinder, has placed on record the order Annx.9 dated 3.10.2005 passed by the Additional Chief Engineer, P.H.E.D. (Drilling Area), Jaipur, whereby it was held that on the basis of the report furnished by Mr. J.C. Chaturvedi, Superintending Engineer, Drilling Division, Jodhpur, the charge o misbehaviour of the petitioner with the superior officers has not been established but it has been established that the petitioner caused an obstruction in the official workings and, therefore, he was given warning that in future he will perform the duty with all carefulness and consciousness having good liasion with the other employees.

The writ petition was filed on 29-8-2005 and at the time of filing the writ petition, it is not in dispute that a departmental enquiry was pending against the petitioner. For entitlement of grant of selection grade in pursuance of the Notification dated 25-1-1992, it is the requirement tht the services of the employees should be satisfactory for preceding seven years. Since the inquiry has been culminated by recording the warning to the petitioner vide Annx.9, therefore, there is no impediment for considering the case of the petitioner for grant of selection grade to him.

In the circumstances, therefore, the respondents are directed to consider and decide the case of the petitioner for

grant of first selection grade to him on completion of nine years' service in pursuance of the Notification dated 25-1-1992 and grant him the selection grade if his services are found to be satisfactory and he is otherwise found eligible for the same.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs